

LAW OFFICES OF THOMAS MORE HOLLAND ATTORNEY FOR PLAINTIFF
By: THOMAS MORE HOLLAND
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RYAN KNIBBS	§	
Plaintiff,	§	CIVIL ACTION
	§	
	§	
v.	§	NO.: 05-CV-4739
	§	
	§	
CIGNA CORPORATION (CIGNA), et al.	§	
Defendants.	§	

ORDER

And now this day of , 2005 based upon the motion of Defendants and Plaintiff's reply the instant proceedings are STAYED and the parties, by agreement, are ORDERED to arbitrate Plaintiff's claims.

J.

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	§	
	§	
CIGNA CORPORATION (CIGNA), et al.	§	
Defendants.	§	

PLAINTIFF'S RESPONSE TO THE MOTION TO STAY JUDICIAL
PROCEEDINGS AND PERMIT ARBITRATION

Plaintiff opposes the motion only with respect to the request for counsel fees from Defendants and that arbitration be compelled. Counsel of record previously discussed the intention of the parties to proceed with the arbitration program and to stay this action.

There is no need to request the court to compel that which has been agreed. The parties merely seek the acquiescence of the Court to execute an order similar to the proposed order contained herein.

Respectfully Submitted,

Thomas More Holland /s/
THOMAS MORE HOLLAND,
Attorney for Plaintiff

DATED: November 2, 2005

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BRIEF IN SUPPORT OF THE JOINT MOTION TO STAY JUDICIAL
PROCEEDINGS

Plaintiff has engaged the Law Office of Thomas More Holland to represent his interests. During the course of time that the counsel for Defendants characterized seven unreturned phone calls, this three lawyer office has had a substantial change of personnel. Moreover, on November 1, 2005 counsel for Plaintiff submitted via facsimile, proposed changes to the consent motion to stay judicial proceedings and allow for arbitration. Appended hereto as Exhibit "A". The instant motion was not necessary. Notwithstanding the incapability of counsel for Plaintiffs to reply sooner, Defendants should have presented an unopposed motion to stay judicial proceedings and allow for arbitration.

Littler Mendelson a national leader in employment and labor issues misallocated considerable resources in presenting its motion to the Court. Littler Mendelson's justification of requiring its client to devote financial resources to the

preparation of such a motion is separate and distinct from requesting the allocation of judicial resources to resolve an issue that is not in dispute.

A simple call to chambers for a brief extension of time would have sufficed. Hopefully the Court conserved some precious judicial resources by reading this response before the motion to arrive at the conclusion that there is no dispute to be resolved.

Defendants have to audacity to request that costs be imposed against the Plaintiff in the amount of \$500.00. It is respectfully requested that the request for counsel fees by Defendants should be denied and dismissed.

Respectfully Submitted,

Thomas More Holland /s/
THOMAS MORE HOLLAND,
Attorney for Plaintiff

DATED: November 2, 2005

PROOF OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Response to the Motion to Stay Judicial Proceedings and Permit Arbitration was served upon the following parties by pacer on November 2, 2005:

Bradley E. Strawn, Esquire
Littler Mendelson
The National Employment &
Labor Law Firm
Three Parkway, 1601 Cherry Street
Suite 1400
Philadelphia, PA 19102-1321

The Honorable Legrome D. Davis
U.S. Courthouse, 601 Market Street
Room 5918
Philadelphia, PA 19106

November 2, 2005
DATE

Thomas More Holland /s/
THOMAS MORE HOLLAND
Attorney for Plaintiff